

In The Matter Of:

*Niki Frenchko v.
Paul Monroe, et al.*

*Harold A. Wix
August 21, 2023*

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 NIKI FRENCHKO,)
4 Plaintiff,)
5 -vs-) Case Number 4:23-cv-00781
6 PAUL MONROE, et al.,)
7 Defendants.)

8
9 ZOOM CONFERENCE DEPOSITION OF HAROLD A.
10 WIX, taken by me, Susan L. Bickert, a court
11 reporter and Notary Public in and for the State of
12 Ohio, at large, as upon Cross Examination, on
13 Monday, August 21, 2023, commencing at 9:30 o'clock
14 a.m. on behalf of the Plaintiff.
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ALSO PRESENT:

Niki Frenchko, Plaintiff

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1 HAROLD A. WIX,
2 a witness being of lawful age, having been duly
3 cautioned and sworn, did testify upon his oath as
4 follows:

5 CROSS EXAMINATION

6 BY MR. MILLER-NOVAK:

7 Q Hello, Mr. Wix.

8 A Hello.

9 Q How are you doing today.

10 A Doing good. Thank you.

11 Q My name is Matt Miller-Novak. I
12 represent Commissioner Frenchko in this case.

13 I know we have not met before in person.
14 I'm going to ask you some questions today. Before
15 I get started, have you ever been deposed before?

16 A Yes, sir.

17 Q Okay. When were you deposed?

18 A I would say it was three to four
19 years ago. I was a Sergeant. One of the deputies
20 was in an accident. I had to do a depo for an
21 insurance company.

22 (Whereupon, the court reporter
23 interrupted to ask for the camera to zoom in on the
24 witness).

25 A So, yes, I have. It was a few

1 years. I did a depo for an insurance company.

2 Q Okay. Thank you. Well, then you've
3 got a little bit of deposition experience, but I'm
4 just going to go over just some basics here in
5 terms of rules so this goes as well as it possibly
6 can. All right?

7 A (Nodding in the affirmative.)

8 Q So the important thing to remember
9 -- and really what most of these rules have to deal
10 with -- is that you're being transcribed. So
11 that's what Susan there is doing. She's taking a
12 written record of everything you and I say today.
13 Because of that, we want to make sure that all of
14 your responses are verbal in nature. So you say
15 like "yes" or "no" rather than "uh-huhs" or
16 "nah-uhs." And, obviously, shaking your head isn't
17 very good for a verbal record. Is that clear?

18 A Yes.

19 Q You already passed the first test.
20 You said yes. So a couple other things, too.

21 Because she is typing and doing shorthand
22 in real time, we have to try our best to not
23 interrupt one another. So if I'm asking a
24 question, please let me finish before you respond.
25 Okay?

1 A Yes.

2 Q And I'm going to do my best that
3 when you're answering that I won't interrupt you as
4 well. Number one, it's rude. And, number two, it
5 will mess up the record. Okay?

6 A Yeah.

7 Q So we probably will interrupt each
8 other a couple times. It just happens. But we're
9 going to try to avoid it the best we can.

10 The other thing, if you need a break or
11 anything like that today, please let me know.
12 You're allowed to take a break at any time you need
13 to take a break. The only thing I ask is if
14 there's a question on the floor that you answer
15 that and then ask to take a break. Is that okay?

16 A Yes.

17 Q And then, you know, finally I'm
18 going to ask a question. This one's weird. We
19 just always ask it in every deposition.

20 Do you have any medical condition -- and
21 you don't have to tell me what it is -- but do you
22 have any medical condition or are you on any
23 medication that would interfere with your ability
24 to accurately recall history today?

25 A No.

1 Q Okay. Well, we'll just kind of get
2 going to the nitty-gritty here then.

3 So can you please state your full name
4 for the record?

5 A Yes, Harold A. Wix.

6 Q And it says S-G-T there on the
7 screen, so you are a Sergeant currently; is that
8 correct?

9 A Correct.

10 Q Well, I'll refer to you as Sergeant
11 Wix today if I need to get your attention. If you
12 need to get my attention for any reason, please
13 feel free to call me Matt. Okay?

14 A Yes, sir.

15 Q I don't have a rank, so we'll just
16 go for Matt.

17 So how long have you been in law
18 enforcement?

19 A Approximately 26 years.

20 Q Where did you start?

21 A Started at -- was part-time in
22 Warren Township.

23 Q Warren Township is that different
24 than Warren City?

25 A Yes. I also was in Warren City as

1 well.

2 Q Where is Warren Township?

3 A It is west of Warren City.

4 Q Okay. And so you started there you
5 said 26 years ago. That would have been 1997;
6 correct?

7 A Yeah. I started in '96, late '96.

8 Q And then when did you transfer to
9 Warren City?

10 A It was in '97.

11 Q How long were you there?

12 A Approximately a year.

13 Q And what were your duties at Warren
14 City?

15 A I worked in the corrections. They
16 had a jail.

17 Q Okay. So you were like a city jail
18 --

19 A Yeah.

20 Q -- personnel?

21 A Yes.

22 Q When did you leave Warren City?

23 A It was within that year.

24 Q And where did you go?

25 A Trumbull County Sheriff's Office.

1 Q So most of your career has been in
2 Trumbull County Sheriff's Office?

3 A Correct.

4 Q And what was your first set of
5 duties at Trumbull County?

6 A I was in the Jail Division.

7 Q You were in the jail. How long were
8 you in the Jail Division?

9 A Approximately ten years.

10 Q So 2008? Does that sound correct?

11 A Correct.

12 Q What did you do in the Jail
13 Division?

14 A Correctional duties.

15 Q And you're married; correct?

16 A Correct.

17 Q What's the name of your wife?

18 A Tracy.

19 Q Tracy Wix?

20 A Yes, sir.

21 Q Is that Tracy with an I or a Y?

22 A Y.

23 Q Is she a deputy as well?

24 A She is not.

25 Q Has she ever been a deputy?

1 A No, sir.

2 Q So after ten years working in the
3 Jail Division, where did you go?

4 A Road Division.

5 Q Are you still in Road Division?

6 A I am.

7 Q What are your duties in Road
8 Division?

9 A Supervisor for Day Turn for Road
10 Operations.

11 Q So are you on the street patrolling
12 often?

13 A Correct.

14 Q What kind of training have you gone
15 through? Before you were a deputy, for instance,
16 what was your initial training?

17 A The police academy.

18 Q And how much did you learn about law
19 in the Police Academy?

20 A Standard. Standard to be
21 proficient.

22 Q Okay. What do you mean by
23 "standard"? Can you explain a little bit?

24 A The hours. That there was a certain
25 amount of hours you had to have training in order

1 to become state certified.

2 Q Did you spend time learning about
3 criminal codes?

4 A Yes.

5 Q Generally what codes were you
6 learning about?

7 A The 29 sections and also 45
8 sections.

9 Q Did you receive any training about
10 public meetings oversight or public meetings
11 criminal codes?

12 A No.

13 Q Did you receive any training about
14 constitutional issues while you were in the
15 academy?

16 A Yes.

17 Q What constitutional issues did you
18 learn about?

19 A I do believe we touched base on
20 pretty much everything that deals with the
21 constitution.

22 Q Does that include the Fourth
23 Amendment?

24 A Correct.

25 Q What about the First Amendment?

1 A Yes.

2 Q What type of things did you learn
3 about the First Amendment?

4 A That would be freedom of speech.

5 Q Did you learn anything about
6 viewpoint discrimination?

7 A I don't recall.

8 Q Well, this is going to be a tough
9 question. How many arrests have you had in your
10 career? Do you know?

11 A I could not tell you. I apologize.
12 More than ten.

13 Q More than ten?

14 A More than ten.

15 Q Probably more than a hundred;
16 correct?

17 A There's a good possibility.

18 Q So as a deputy do you kind of have
19 like -- I know that, obviously, you were trained in
20 the academy, but throughout your career do you have
21 updated trainings?

22 A Yes.

23 Q Okay. So attorneys have things
24 called CLEs, like continuing legal education. So
25 do you go through things like that?

1 A Yes, sir.

2 Q And what kind of updated trainings
3 do you have throughout your career?

4 A They're called continuous
5 professional training, CPTs.

6 Q Do any of those trainings update you
7 let's just say on like new constitutional
8 developments?

9 A Yes.

10 Q Any of those trainings you received
11 since graduating the Academy dealt with the First
12 Amendment?

13 A I'm sure they did.

14 Q Do you recall any of them
15 specifically?

16 A Not specifically, no.

17 Q Have you received any trainings
18 whatsoever on criminal codes relating to public
19 meetings?

20 A I don't believe so.

21 Q So a large -- a large reason we're
22 all here today involves a meeting on July 7th,
23 2022; correct?

24 A Correct.

25 Q Prior to that meeting, had you ever

1 been trained on any laws relating to disrupting a
2 public meeting?

3 A No.

4 Q Had you ever worked as a security
5 detail in a Commissioners meeting prior to that
6 day?

7 A No.

8 Q During your time as a -- let me go
9 backwards.

10 So when you were being trained in the
11 academy, did you receive any public records
12 training?

13 A No.

14 Q During your time has a deputy have
15 you received any public records training?

16 A I don't believe so.

17 Q Are you familiar with the County's
18 records retention schedule?

19 A I don't believe so.

20 Q So you've never received a copy of
21 the Sheriff's Department's records retention
22 schedule?

23 A I'm not familiar what a records
24 retention schedule is. Can you kind of elaborate?
25 Is it like for report writing or --

1 Q Well, okay. As long as your counsel
2 doesn't mind me giving a statement and not a
3 question, I don't mind answering that question.

4 So records retention schedule is a
5 schedule that's created by each department
6 typically in a public body that determines when
7 public records can or cannot be destroyed.

8 A Understand. And that would be no.

9 Q So you've never seen that?

10 A No.

11 Q Okay. I want to talk a little bit
12 about cellphones and your use of cellphones as a
13 deputy. Okay?

14 A Yes.

15 Q All right. So what model of
16 cellphone did you have during July of 2022?

17 A I had an Apple iPhone 14 -- 12.
18 Excuse me. 12.

19 Q Do you still have that phone?

20 A I do not.

21 Q What happened to it?

22 A I was having some computer issues
23 with the phone. It wasn't working properly.

24 Q When was that?

25 A Three, four months ago

1 approximately.

2 Q Where is the phone now?

3 A AT&T has it.

4 Q You mean you turned it in to AT&T
5 and traded it in?

6 A Correct.

7 Q Does the County pay for your
8 cellphone?

9 A No.

10 Q So you're required to pay for that
11 out of your own pocket?

12 A Correct.

13 Q And the County doesn't supply you a
14 cellphone at all?

15 A No.

16 Q But you would agree that sometimes
17 you use your cellphone for County business;
18 correct?

19 A Correct.

20 Q You guys have a union?

21 A Yes.

22 Q Your union didn't negotiate to get
23 your cellphone paid for?

24 A No. They've never tried to do that.

25 Q That's wrong.

1 All right. So you're using your
2 cellphone sometimes for County business. Is it
3 safe to say that sometimes you call other deputies
4 on your phone?

5 A Yes, sir.

6 Q And sometimes when you call other
7 deputies on the phone you're kind of discussing
8 what's going on at any given moment?

9 A Correct.

10 Q Do you sometimes use text messages
11 for County business?

12 A Yes.

13 Q So sometimes when you're text
14 messaging other deputies you're maybe discussing a
15 case or something like that; correct?

16 A Correct.

17 Q I'm going to ask you a question. Do
18 you guys ever gossip?

19 A Sure.

20 Q So sometimes when something goes on
21 at the office you text one another and kind of talk
22 about it?

23 A Yes.

24 Q So you are human.

25 A Yes, sir.

1 Q Okay. Yeah, I think we all do that
2 a little bit.

3 So has no one ever told you that it's
4 possible that your text messages that you send on
5 your phone are public records?

6 A No, no, no.

7 Q So in no training whatsoever has
8 anybody ever suggested that any of your text
9 messages about a case or between other deputies are
10 public records?

11 A Correct.

12 Q When you have trainings are they --
13 are they put on by the County themselves or do you
14 get outside trainers?

15 A Both.

16 Q Both. Okay. So when the internal
17 trainings are done, who conducts those typically?

18 A It depends on the training topic.

19 Q Okay. So if there's a particular
20 topic and there's a particular deputy that's well
21 versed in that topic, he or she might provide that
22 training?

23 A That's correct.

24 Q Okay. So just to be clear, at no
25 time -- there has never been an internal training

1 about records retentions or public records that you
2 received?

3 A Correct.

4 Q So sitting here today, do you have
5 any knowledge about how long you're supposed to
6 retain text messages between yourself and other
7 deputies?

8 A No, sir.

9 Q When you turned your phone in to
10 AT&T, I'm guessing that you did that as like an
11 exchange to upgrade your phone; is that correct?

12 A That's correct.

13 Q When you did that, did you back up
14 any of the text messages between yourself and other
15 deputies?

16 A I did not, but the AT&T store did.

17 Q The AT&T store did?

18 A Yes.

19 Q And where are those messages that
20 have been backed up?

21 A On my current phone right now. My
22 iPhone 14.

23 Q So the messages have been
24 transferred from that phone to your new phone?

25 A Correct.

1 Q Have you ever deleted text messages
2 on your phone within the last five years?

3 A Not that I'm aware of. I don't
4 delete much.

5 Q Did you set your phone to "delete
6 text messages"?

7 A I did not.

8 Q Does that mean you still have --
9 does that mean you still have text messages from
10 five years ago?

11 A No. I don't think they stay on the
12 phone that long.

13 Q Would you agree that if you wanted
14 to back up text messages on your phone, take screen
15 shots of them or other methods, that you would be
16 able to do that?

17 A I think so.

18 Q So is it your testimony today that
19 on the iPhone 12 that the default setting isn't to
20 save your text messages forever?

21 A I don't know. I don't know how to
22 change any settings on a cellphone. I do not know.
23 I don't know how to do that --

24 Q Okay.

25 A -- to change settings for text

1 messages to default, whatever.

2 Q So your testimony today is that
3 you've never changed any setting on your phone to
4 delete text messages after 30 days?

5 A That's correct.

6 Q If I were to tell you and to
7 represent that my understanding is on the iPhone 12
8 that the default setting for logging -- or
9 maintaining text messages is forever, and that you
10 have to go in and change it to either 30 days or
11 one year for them automatically to delete, would
12 you disagree with that statement?

13 A No.

14 Q Do you send emails in your
15 professional capacity?

16 A I do.

17 Q Do you ever delete those emails?

18 A I do not.

19 Q Do you have any knowledge of what a
20 Records Retention Commission is?

21 A No.

22 Q Have you ever submitted any records
23 to the Commission for deletion?

24 A No.

25 Q I want to move on here a little bit.

1 So you attended the Commissioners meeting
2 of July 7th, 2022; correct?

3 A Correct.

4 Q Earlier you testified that you have
5 never worked any Commissioners meeting prior to
6 July 7th, 2022?

7 A That's correct.

8 Q Had you ever worked at like a Warren
9 City Council meeting when you were in Warren?

10 A No. Not Warren City, no.

11 Q So you've never provided security
12 detail at any public body meeting prior to July
13 7th, 2022?

14 A Incorrect. I have.

15 Q Okay. What meeting?

16 A Township meetings.

17 Q So you attended township meetings at
18 Warren Township?

19 A No. They were -- not Warren
20 Township, no. It was Southington Township.

21 Q When was that?

22 A Fifteen-plus years ago.

23 Q Were you paid to do that?

24 A Yes.

25 Q But you didn't work for that

1 township?

2 A No.

3 Q Did they contract with the Sheriff's
4 Department to provide security?

5 A No.

6 Q Then why were you doing that?

7 A It was in my job capacity in
8 reference to an environmental -- I had
9 environmental work to do, and I worked with
10 multiple townships to attend their meetings. I was
11 paid overtime for my duties.

12 Q But you had never attended a
13 Trumbull County Commissioners meeting in the past?

14 A I have. Not to work it, but I have.

15 Q When was the last time before July
16 7th, 2022, that you attended a meeting?

17 A I'm going to say it was December of
18 -- December of '21.

19 Q Was Commissioner Frenchko in office
20 at that time?

21 A I do believe so, yes.

22 Q How were you instructed to attend
23 the July 7th, 2022, Commissioner meeting?

24 A How was I instructed?

25 Q Yes.

1 A I was told by the Lieutenant that I
2 had to attend the meeting.

3 Q Lieutenant who?

4 A Lt. Kaintz.

5 Q Can you spell that, please??

6 A Yes, sir. It's K-A-I-N-T-Z.

7 Q And what reason did he provide you
8 for attending the meeting?

9 A I do believe he was unable to attend
10 the meeting.

11 Q Did he say why he was unable?

12 A He did not.

13 Q Did he give you any instructions
14 about the meeting?

15 A He did not. Just to attend it for
16 security with another deputy.

17 Q Who was the other deputy?

18 A Sergeant Ross.

19 Q Did Sheriff Monroe call you that
20 day?

21 A He did not.

22 Q Did you call Sheriff Monroe that
23 day?

24 A I did not.

25 Q So it's your testimony today that

1 neither you nor Sheriff Monroe called each other
2 that morning?

3 A That's correct.

4 Q Do you know Sheriff Monroe's phone
5 number?

6 A I have it in my phone.

7 Q Can you tell me what it is?

8 A I have to look it up. Would you
9 like me to look it up?

10 Q Do you know if his cellphone ends in
11 9037?

12 A I don't recall.

13 Q Why don't you go ahead and look it
14 up.

15 A Yes, sir. That is correct, 9037.

16 Q So when Mr. Kaintz told you to
17 attend the meeting, he gave you no instructions at
18 all?

19 A Yes, he did.

20 Q What were his instructions?

21 A I had to be there by 10:30.

22 Q Anything else?

23 A Not that I recall.

24 Q Did he tell you anything about a
25 letter that the Sheriff had written?

1 A No.

2 Q Were you aware that Sheriff Monroe
3 wrote a letter to be read at that meeting?

4 A No.

5 Q Are you aware that prior to that
6 meeting Miss Frenchko had read a letter that had
7 complained about certain conditions in the County
8 jail?

9 A Okay. No, I didn't know.

10 Q You didn't know prior to that
11 meeting that Commissioner Frenchko had made
12 statements that were critical of the jail and the
13 jail doctor?

14 A Correct.

15 Q You did know that or you didn't
16 know?

17 A Oh, no, I did not know that. That's
18 correct. I did not know prior to the meeting that
19 he was reading a letter -- she was reading a
20 letter.

21 Q Have you ever talked to Dr. Malvasi
22 in the past?

23 A Yes.

24 Q What's your relationship to Dr.
25 Malvasi?

1 A Professional.

2 Q Have you ever talked to Dr. Malvasi
3 about Commissioner Frenchko in the past?

4 A No.

5 Q Have you ever talked to Sheriff
6 Monroe about Commissioner Frenchko in the past?

7 A Not that I recall, no.

8 What happened? Did we lose something?
9 Am I here?

10 Q You're here.

11 A There was something that came up on
12 the screen. Sorry.

13 Q No, I saw it, too. I'm sure it was
14 Andrew's fault.

15 A I have no idea. I think you can
16 still hear me, but there's some kind of icon on the
17 screen.

18 MS. SUDHOFF: If I may interrupt, it
19 appears a phone call has been added to our Zoom,
20 and they're not on mute, and I'm not sure who it
21 is.

22 MR. DAVIS: Hey, Matt, that's me.

23 MR. MILLER-NOVAK: Can you mute your
24 phone, Steve?

25 MR. DAVIS: I think so. Hold on.

1 MR. MILLER-NOVAK: It's my partner, Steve
2 Davis. He's using the phone thing to call in.

3 MR. DAVIS: Hold on just a moment.

4 MR. MILLER-NOVAK: Sorry. We'll go off
5 the record. I don't want this on the record, if
6 that's okay, Susan.

7 (Whereupon, a discussion was held off the
8 record.)

9 BY MR. MILLER-NOVAK (Continuing):

10 Q Did you do anything to prepare for
11 the July 7th, 2022, meeting?

12 A I did not.

13 Q When did you first learn about the
14 disturbing a public meeting statute?

15 A I don't know. I just know you got
16 to behave in a meeting.

17 Q Did you have any training on that
18 statute prior to July 7th, 2022?

19 A I did not.

20 Q Were you aware of the contents of
21 that statute before July 7th, 2022?

22 A No.

23 Q Did you know the code number of that
24 statute before July 7th, 2022?

25 A I did not.

1 Q When you arrested Commissioner
2 Frenchko, you arrested her according to that
3 statute; correct?

4 A Correct.

5 Q But you didn't know its contents
6 when you arrested her?

7 A A little bit.

8 Q What did you know?

9 A That you can't be disruptive in a
10 meeting.

11 Q That's all you knew?

12 A (Nodding in the affirmative.)

13 Q Did you know the mens rea of that
14 statute?

15 A I did not.

16 Q Did you know what conduct in that
17 statute constitutes disruption?

18 A Yes.

19 Q What conduct?

20 A Stopping the meeting.

21 Q Stopping the meeting?

22 A Yeah, yeah, stopping the meeting.

23 Q What else?

24 A To put it in layman's terms, you
25 know, just -- I'm kind of at a loss for words right

1 now in reference to -- the conduct -- the person's
2 conduct in the meeting.

3 Q Well, what about their conduct in a
4 meeting makes it disturbing?

5 A Stopping the meeting from
6 progression.

7 Q Okay. What about offensive
8 behavior?

9 A Obviously, offensive behavior.

10 Q How many people have you arrested
11 under that statute in the past?

12 A I don't believe any.

13 Q So Commissioner Frenchko is the
14 first person you've ever arrested under that
15 statute?

16 A I do believe so.

17 Q Prior to that meeting, did you have
18 any discussions with Commissioner Fuda?

19 A I have not.

20 Q Did you know Commissioner Fuda
21 before that meeting?

22 A Yes.

23 Q How did you know him?

24 A Professionally.

25 Q How often did you talk to him?

1 A Probably once a year.

2 Q Have you ever talked to him about
3 Commissioner Frenchko?

4 A I did not.

5 Q Have you ever talked to the Clerk
6 Paula Klotz about Commissioner Frenchko?

7 A No.

8 Q Have you ever talked to Commissioner
9 Mauro Cantalamessa about Commissioner Frenchko
10 before that meeting?

11 A No.

12 Q What are Robert's Rules of Order?

13 A I don't -- I don't know what
14 Robert's Rules are.

15 Q Okay. What were the rules of
16 decorum that the Commissioners used as of July 7th,
17 2022?

18 A That I do not know.

19 Q So if you don't know the rules of
20 decorum, how would you know whether or not someone
21 has a right to speak at a certain point in time?

22 A I do know that Commissioner Fuda is
23 the presiding commissioner. He's the one that
24 keeps order of the meetings.

25 Q What are the responsibilities of the

1 presiding official?

2 A Other than keeping order, I do not
3 know.

4 Q Okay. So you weren't familiar with
5 what powers he had as of July 7th, 2022?

6 A Correct.

7 Q How did you know that he had any
8 powers?

9 A He's the one that hits the gavel,
10 starts the meeting.

11 Q Okay. That's it? That's all you
12 knew?

13 A For right now, yes.

14 Q So when you got your training on
15 constitutional law, would you agree with the
16 following statement: It's important that you apply
17 the laws equally to people?

18 A Correct.

19 Q And that it's not appropriate to
20 apply the law differently to different suspects
21 based upon their viewpoints?

22 A Correct.

23 Q Would you agree that if there was a
24 rule of decorum that it needed to be applied to
25 individuals the same regardless of their

1 viewpoints?

2 A Could you reiterate again?

3 Q Sure. If there was a rule of
4 decorum, would you agree that those rules needed to
5 be applied to everybody equally regardless of
6 viewpoint?

7 A Yes.

8 MR. YOSOWITZ: Objection.

9 MR. MILLER-NOVAK: So based upon that,
10 would you agree that Commissioner Frenchko should
11 not have been punished for violations of the rules
12 that other Commissioners had violated in the past?

13 MR. YOSOWITZ: Objection. You can
14 answer.

15 THE WITNESS: Reiterate again. I'm
16 sorry.

17 BY MR. MILLER-NOVAK (Continuing):

18 Q That's fine. Would you agree that
19 based upon that, that Commissioner Frenchko should
20 not be punished for violating rules that other
21 Commissioners violated in the past?

22 A I'm having a hard time understanding
23 the question. I'm having a little bit of a hard
24 time understanding the question. Can you rephrase
25 the question?

1 Q I can try. And, by the way, I'm
2 glad that you did that 'cause if you ever don't
3 understand a question, let me know. I'm not
4 perfect. I'm not going to always ask perfect
5 questions.

6 So a little bit ago you testified that
7 you believed that rules shouldn't be applied
8 differently to people based upon their viewpoints;
9 correct?

10 A Correct.

11 Q Well, wouldn't you also agree that
12 if let's say Mauro Cantalamessa violated one rule,
13 and he was not punished, that Commissioner Frenchko
14 shouldn't be punished for violating that same rule;
15 correct?

16 A No.

17 MS. SUDHOFF: Objection, form and
18 speculation.

19 MR. MILLER-NOVAK (Continuing):

20 Q Okay. Well, why no?

21 A I would hold Cantalamessa -- in
22 reference to your example, I would hold
23 Cantalamessa the same as Commissioner Frenchko.

24 Q Oh, okay. So then you agree that if
25 Commissioner Frenchko is going to be punished for

1 violating the rules, so should Mauro Cantalamessa;
2 correct?

3 A Yes.

4 Q So why did you arrest Commissioner
5 Frenchko during the July 7th, 2022, meeting?

6 A Her conduct stopped the meeting.

7 Q How did it stop the meeting?

8 A She stopped the meeting from going
9 forward.

10 Q Well, she was talking when you
11 arrested her; correct?

12 A I believe so.

13 Q Isn't part of a Commissioners
14 meeting that Commissioners speak?

15 A Yes.

16 Q So she's one of the three
17 Commissioners; correct?

18 A Yes.

19 Q And she's speaking when you arrested
20 her?

21 A I do believe she was at the time.

22 Q Okay. So correct me if I'm wrong.
23 The entire point of a Commissioners meeting is for
24 the Commissioners to speak about county business;
25 correct?

1 A Correct.

2 Q And sometimes those Commissioners
3 have disagreements; correct?

4 A Correct.

5 Q And sometimes those Commissioners
6 argue about things; correct?

7 A Yes.

8 Q And sometimes those Commissioners
9 interrupt each other; correct?

10 A Correct.

11 Q It would be safe to say -- have you
12 ever watched meetings of the Commissioners in the
13 past?

14 A Not in its entirety, no.

15 Q Okay. So are you aware that all the
16 Commissioners interrupt each other all the time?

17 MR. YOSOWITZ: Objection.

18 THE WITNESS: No.

19 BY MR. MILLER-NOVAK (Continuing):

20 Q You're not aware of that?

21 A No.

22 Q So you're not aware that there's
23 times where Mauro Cantalamessa talks over people?

24 MR. YOSOWITZ: Objection. Go ahead.

25 THE WITNESS: No.

1 BY MR. MILLER-NOVAK (Continuing):

2 Q You're not aware that there's times
3 that Mauro Cantalamessa interrupts people while
4 they're speaking?

5 A No, I'm not aware.

6 Q Are you aware that in previous
7 meetings Frank Fuda has interrupted speakers in the
8 public?

9 A No.

10 Q Before you arrested Commissioner
11 Frenchko, did Commissioner Fuda call out your name?

12 A No.

13 Q So at no time did Commissioner Fuda
14 say the name Wix?

15 A No.

16 Q Before you arrested Commissioner
17 Frenchko, did either of the Commissioners say she
18 was being disruptive?

19 A After watching the video, yes.

20 Q What do you mean by "after watching
21 the video"?

22 A I watched the video of the incident.

23 Q Okay. So you didn't hear them call
24 her disruptive the day of the meeting?

25 A Not that I recall, no.

1 Q How did you know that Commissioner
2 Frenchko's behavior, if at all, was abnormal from
3 prior meetings?

4 A I don't.

5 Q At the moment you arrested
6 Commissioner Frenchko she was being critical of the
7 Sheriff's Department, was she not?

8 A At the time I didn't know that.

9 Q So you didn't even know what she was
10 saying at the time?

11 A No. I was way in the back. I was
12 having a hard time hearing.

13 Q Did you send any text messages
14 during the meeting?

15 A I don't recall.

16 Q Before you arrested Commissioner
17 Frenchko, did you call anybody?

18 A There's a possibility I did, but I
19 don't -- I don't remember.

20 Q Do you remember what time it was
21 when you arrested Commissioner Frenchko?

22 A Right off the top of my head, I do
23 not.

24 Q When you arrested her you had her
25 stand up; correct?

1 A Correct.

2 Q And you escorted her out of the
3 room; correct?

4 A Correct.

5 Q And you decided to cuff her;
6 correct?

7 A Yes.

8 Q You didn't have to do that; correct?

9 A No, I did.

10 Q You could have issued her a summons,
11 couldn't you?

12 A I probably could have.

13 Q So you did not need to cuff her;
14 correct?

15 A No, I did 'cause she was arrested.

16 Q So you're saying every time you've
17 ever arrested somebody you put them in cuffs?

18 A That's correct.

19 Q Every time you arrest somebody, do
20 you take them into custody?

21 A Correct.

22 Q So you've never issued anybody a
23 summons?

24 A I have.

25 Q And when you issue them a summons,

1 do you take them in custody?

2 A I did not.

3 Q So I'm confused. So you haven't
4 necessarily taken someone into custody every single
5 time you've arrested them; correct?

6 A Correct. Summons in lieu of arrest.

7 Q Okay. Are you aware that disturbing
8 a public meeting is a Misdemeanor 4?

9 A Yes.

10 Q Would you consider that not a very
11 serious crime?

12 A It's a crime.

13 Q It's a crime, but it's a low level
14 crime; correct?

15 A Correct.

16 Q It's not a violent crime, is it?

17 A It's not considered a violent crime,
18 no.

19 Q Was Commissioner Frenchko doing
20 anything violent at the time of her arrest?

21 A No.

22 Q Did you have any reason that she was
23 going to commit any violence at the time of her
24 arrest?

25 A No.

1 Q Did you have any suspicion whether
2 or not she was armed at the time of her arrest?

3 A No.

4 Q Is it possible that you could have
5 issued her a summons at the time of her arrest in
6 lieu of taking her into custody?

7 A Yes.

8 Q Did you call anybody before taking
9 her into custody?

10 A I did not.

11 Q Do you remember that the time of her
12 arrest was approximately 11:20 a.m.?

13 A Are you telling me? Yeah, I think
14 so.

15 Q Okay. How long did it take her from
16 the time that you escorted her out of the room to
17 take her to the station?

18 A I can't be exact, but probably
19 within five minutes.

20 Q Did you call anybody about her
21 arrest when you were at the station?

22 A I did not.

23 Q Did you call Sheriff Monroe after
24 you arrested Commissioner Frenchko?

25 A No.

1 Q Did Sheriff Monroe call you after
2 you arrested Commissioner Frenchko?

3 A He did not.

4 Q So it's your testimony today under
5 oath that you did not dial the number
6 1-330-609-9037 after arresting Commissioner
7 Frenchko?

8 A No.

9 Q Did you call Sheriff Monroe at all
10 on July 7th, 2023 -- I'm sorry -- July 7th, 2022?

11 A I don't believe so. I don't recall.

12 Q Did Sheriff Monroe call you at any
13 time on July 7th, 2022?

14 A I don't believe so.

15 Q So your testimony today under oath,
16 at no time during July 7th, 2022, did you call
17 Sheriff Monroe?

18 A That's correct.

19 Q And your testimony is also that at
20 no time on July 7th, 2022, that Sheriff Monroe
21 called you?

22 A Correct.

23 Q So I'm going to ask a couple
24 questions about process of arrest, and I want you
25 to talk to me like I know nothing.

1 So after you arrest somebody and you
2 handcuff them and you take them into custody,
3 what's the next step in the process before charging
4 them?

5 A I transport them to the jail.

6 Q What happens after you get 'em to
7 the jail?

8 A I give 'em to the corrections
9 officers.

10 Q Then what?

11 A I go do my report.

12 Q Okay. And what happens after your
13 report?

14 A Depending on the charge, I either
15 talk to the prosecutor or I issue them a summons.

16 Q Did you talk to the prosecutor in
17 this case?

18 A I did not.

19 Q So you did not reach out to the
20 prosecutor at any point?

21 A No.

22 Q Do you know if Sheriff Monroe
23 reached out to the prosecutor at any point?

24 A I do not know.

25 Q Did you provide a summons at any

1 point to Commissioner Fuda?

2 A Yes.

3 Q When did you provide the summons?

4 A After I went back to the office and
5 myself and Sergeant Ross did the report and
6 completed the necessary paperwork for Miss
7 Frenchko.

8 Q Okay. So your testimony today is
9 after arresting the Commissioner during her own
10 meeting before issuing a summons you never called
11 the prosecutor?

12 A Correct.

13 Q And you never called the Sheriff?

14 A Correct.

15 Q And the Sheriff never called you?

16 A I do believe that's correct, yes.

17 Q Did you contact or discuss the
18 matter with any of your superior officers?

19 A No.

20 Q Did Sergeant Ross discuss the matter
21 with any superior officers?

22 A I'm not aware. I'm not aware of it.

23 Q Did Sergeant Ross discuss the matter
24 with Sheriff Monroe?

25 A I have no idea.

1 Q Did Detective Mackey participate in
2 the investigation and prosecution of Commissioner
3 Frenchko?

4 A Yes.

5 Q Did Detective Mackey have any role
6 in filing the charges?

7 A No.

8 Q What was Detective Mackey's role?

9 A I don't know.

10 Q Before issuing the summons, did you
11 review any of the prior meetings?

12 A No.

13 Q Did you investigate what rules of
14 procedure that the Commissioners utilized before
15 issuing the summons?

16 A No.

17 Q So it's your testimony today that
18 you issued your summons solely on what occurred on
19 July 7th, 2022?

20 A Correct.

21 MR. MILLER-NOVAK: I would like to take a
22 five-minute break myself. Is that okay Sergeant
23 Ross -- or Sergeant Wix? Sorry.

24 THE WITNESS: No problem. Yes, sir.

25 MR. MILLER-NOVAK: So everybody you want

1 to take a five-minute break?

2 (Whereupon, a recess was taken.)

3 Q Sergeant Wix, a little bit ago I
4 asked you whether or not you heard either
5 Commissioner say something about Commissioner
6 Frenchko being disruptive. Do you remember that?

7 A I do, yes.

8 Q So your testimony is today that you
9 didn't hear them say that she was being disruptive?

10 A Let me reiterate, if you don't mind,
11 'cause I don't recall a hundred percent. Let me go
12 back to my meeting.

13 Q Well, what are you looking at right
14 now?

15 A I'm looking at my written report.

16 Q Well, why don't we go through that
17 together. Is that okay?

18 A Yeah, okay.

19 Q Yeah, I sent it as an exhibit. So
20 why don't we do that together. We can put it on
21 the shared screen I think maybe.

22 A That I have no idea how to do that.

23 MR. YOSOWITZ: He has to do it.

24 THE WITNESS: Oh, okay.

25 MR. MILLER-NOVAK: Yeah, I'm going to

1 try.

2 MR. YOSOWITZ: We have it.

3 MR. MILLER-NOVAK: Well, I'm going to
4 mark it as an exhibit I think. I'm going to try to
5 do shared screen and put it up there and wow
6 everybody with my technological skills. Maybe. Or
7 disappoint everybody by failing. One thing or the
8 other is going to happen here in a second. Can you
9 see the report?

10 MR. YOSOWITZ: No.

11 MR. MILLER-NOVAK: No?

12 MR. YOSOWITZ: It just says you started
13 screen share.

14 MR. MILLER-NOVAK: There's a thing it
15 says "Open. This site is trying to open Zoom
16 meetings."

17 MR. YOSOWITZ: Okay. There it is.

18 MR. MILLER-NOVAK: You got it?

19 MR. YOSOWITZ: Yeah.

20 MR. MILLER-NOVAK: Do you still see it?

21 MR. YOSOWITZ: Yes.

22 MR. MILLER-NOVAK: Okay. Is it moving
23 down and all that?

24 MR. YOSOWITZ: Yes.

25 BY MR. MILLER-NOVAK (Continuing):

1 Q Okay. Great. That's the most
2 successful thing I've ever done.

3 So if we're looking at this right now,
4 there's a first page that says CFS Summary; is that
5 correct?

6 A I believe it's correct, yes.

7 Q Okay.

8 MR. MILLER-NOVAK: Susan, I'd like to tag
9 this as Exhibit 1.

10 (WHEREUPON, Deposition
11 Exhibit Number 1 was
12 marked for purposes of
13 identification.)

14 Q And my pdf has 11 pages here. Is
15 that what you have, Sergeant?

16 A I have to count them.

17 Q I just want to make sure we're
18 looking at the same exact thing. That's all.

19 A I have ten. I think it might be
20 that CFS Summary is what I don't have.

21 Q So you don't have this first page
22 that says CFS 22-07729 at the top left-hand corner,
23 CFS number?

24 A That's correct.

25 Q So you're starting on CFS People

1 Supplement?

2 A Correct, yes.

3 MR. MILLER-NOVAK: Okay. Andrew, I think
4 I emailed the document to you this morning. Did
5 you get it?

6 MR. YOSOWITZ: Okay. He's looking at CFS
7 Summary.

8 MR. MILLER-NOVAK: Yeah, I just want to
9 make sure that -- 'cause when I admit the exhibit I
10 want to admit all eleven pages so it's a complete
11 document. So he has it now?

12 BY MR. MILLER-NOVAK (Continuing):

13 Q You got it now, Sergeant Wix?

14 A Yes.

15 Q So if you take a look at this, is
16 this your police report from that day?

17 A Yes.

18 Q So it has the name -- under Caller
19 it has Name. It says Frenchko, Michele Nicole. Do
20 you see that?

21 A That's correct.

22 Q And the Location says Trumbull
23 County Administration. Do you see that?

24 A I see that.

25 Q Let's go to the second page. Okay.

1 This page seems to record a little bit more
2 information. That's Commissioner Frenchko's home
3 address, which I'm not going to read into the
4 record; correct?

5 A Correct.

6 Q So the third page seems to get to
7 some more substantive information. So
8 Administrative it says Trumbull County Sheriff's
9 Office. Do you see that?

10 A Yes.

11 Q And the date is July 7th, 2022;
12 correct?

13 A Yes.

14 Q And the Report Date and Time says
15 11:22. Do you see that?

16 A Yes.

17 Q And then to the right it says
18 Incident Occurred, and it says 11:24. Do you see
19 that?

20 A Yes.

21 Q Okay. So I'm a little bit confused.
22 So where it says Report Date and Time, is that the
23 time that you're recording that you've taken the
24 report?

25 A Which one are you referring to? I'm

1 sorry.

2 Q Well, so it says Ohio Uniform
3 Incident Report, and there's three like boxes. On
4 the left it says Report Date and Time. In the
5 middle it says Incident Occurred From. And then on
6 the right it says Incident Occurred To. Do you see
7 that?

8 A Yes.

9 Q So on the left is that the time of
10 the day that you took the report? Is that what
11 that means?

12 A That's the time of -- yes.

13 Q Okay. And the middle it says this
14 is the time that the incident begins; correct?

15 A Occurred From, yes.

16 Q And then Occurred To is on the
17 right; correct?

18 A Correct.

19 Q So as of the middle this records
20 that the incident leading to the arrest started at
21 11:20 a.m.; correct?

22 A Correct.

23 Q Because this is military time, I
24 assume?

25 A That is correct.

1 Q And then it Occurred To at 11:24.
2 So you're saying the incident stopped at 11:24;
3 correct?

4 A Yes.

5 Q So it says the report was taken at
6 11:22 a.m. Is that just not accurate?

7 A It's a good possibility.

8 Q 'Cause you would have taken the
9 report after the incident was complete; correct?

10 A Yes.

11 Q Okay. So do you know what time that
12 would have been in reality?

13 A No, I do not.

14 Q Okay. Underneath the offense says
15 Disturbing A Lawful Meeting. Do you see that?

16 A I do.

17 Q And the code says 2917.12. Do you
18 see that?

19 A I do.

20 Q Okay. Earlier you said you didn't
21 know that code number at the time of the actual
22 arrest; correct?

23 A That's correct.

24 Q So how did you find that code
25 number?

1 A I had to look the code number up.

2 Q So you looked it up at the station?

3 A Correct.

4 Q Here you did not designate any
5 subsection of that code; correct?

6 A That's correct.

7 Q And you weren't entirely sure what
8 subsection you arrested her under because you
9 weren't even sure of the code number; correct?

10 A Correct.

11 Q At the bottom of this page it says
12 the Reporting Officer is Sergeant Robert Ross;
13 correct?

14 A That's correct.

15 Q So did he fill this out, or did you
16 fill this out?

17 A He filled that out. Sergeant Ross
18 filled it out.

19 Q And it says the Approving Officer is
20 Brian Kaintz; correct?

21 A That is correct.

22 Q So he is the individual who asked
23 you to go and cover this meeting; correct?

24 A Correct.

25 Q Does Brian Kaintz usually work at

1 Commissioner meetings?

2 A Yes.

3 Q Is he there at every meeting?

4 A I don't know.

5 Q Do you know if the Sheriff's
6 Department even regularly provided meeting security
7 prior to July 7th, 2022?

8 A I do believe they did, yes.

9 Q And who is the deputy that was in
10 charge of providing that security on a regular
11 basis?

12 A I'm assuming by rank, so it would
13 have been Lieutenant Kaintz.

14 Q I'm going to go to the next page.
15 Okay. The next page is largely blank, I'm assuming
16 because it didn't involve either a vehicle or
17 property; correct?

18 A Correct.

19 Q On the next page it says Arrest
20 Supplement; correct?

21 A Yes, Suspect/Arrest Supplement.

22 Q There's a part in the middle it says
23 Arrestee Armed With, and it says the number 99. Do
24 you see that?

25 A That's correct.

1 Q What does that mean?

2 A Number 99 is Unknown.

3 Q Okay. So here it says U is Unknown
4 on the actual page. When you look at the code 99
5 it says None on the top left-hand corner; correct?

6 A Correct.

7 Q So 99 actually means None?

8 A Oh, yes, yes. Sorry about that.
9 Yes, 99 is none.

10 Q Okay. So, in other words, you're
11 determining that she was unarmed?

12 A That's correct.

13 Q Okay. Arrest/Offense Description it
14 says Disturbing A Lawful Meeting; correct?

15 A Correct.

16 Q And it says 2917.12; correct?

17 A Correct.

18 Q And it says M4S; correct?

19 A Correct.

20 Q What does the S stand for?

21 A I do not know.

22 Q So you didn't write that?

23 A That's correct.

24 Q The next page is a narrative
25 statement, and this looks like a statement that was

1 drafted by Sergeant Robert Ross; correct?

2 A Correct.

3 Q Well, I'm going to ask Ross about
4 his own statement. I want to go to yours. Looks
5 like it's two more pages down the line.

6 Do you see your statement that begins on
7 July 7th, 2022?

8 A Yes.

9 Q Okay. It starts with, "During the
10 lawful meeting and a reading of an official
11 document by Clerk Paula Vivoda-Klotz Commissioner
12 Frenchko removed herself from her Commissioner's
13 desk and sat in the first row of the general
14 seating public side of the room and continued
15 recording the reading of the document with her
16 cellphone." Do you see that?

17 A Yeah.

18 Q Okay. What's wrong with that?

19 A Nothing.

20 Q "While the Clerk was reading the
21 document Frenchko began to verbally interrupt the
22 Clerk to the point she became visibly emotional and
23 tried to hide her face with the document while
24 reading." What's relevant about that?

25 A She had stopped the meeting from

1 going forward.

2 Q Well, how does that stop it from
3 going forward? She just was hiding her face. She
4 continues to read; right?

5 A Yeah. She started to be disruptive.
6 If you read further down, that was when
7 Commissioner Fuda warned Frenchko numerous times to
8 stop being disruptive.

9 Q Okay. So your testimony is now that
10 you actually heard Commissioner Fuda --

11 A Right. I did not hear Cantalamessa.
12 I heard Fuda.

13 Q Okay. So you heard Fuda tell
14 Commissioner Frenchko she was being disruptive?

15 A Yes.

16 Q And that --

17 A A point of order. He was trying to
18 put her a point of order.

19 Q Okay. Do you know if in past
20 meetings Commissioner Frenchko has ever asked or
21 called out for point of order when Commissioner
22 Fuda was talking?

23 A No.

24 Q Do you know when she's done that
25 whether or not he's ever listened?

1 A I have no idea.

2 Q It says Commissioner Fuda warned
3 Frenchko numerous times to stop being disruptive by
4 calling "Point of order" and banging his gavel and
5 which she did not comply; correct?

6 A Yes.

7 Q So is it fair to say that a large
8 point of your determination that Commissioner
9 Frenchko was being disruptive had to do with the
10 fact that Commissioner Fuda was saying she was
11 being disruptive?

12 A Yes.

13 Q The next statement says, "Frenchko
14 was given ample opportunity to stop her disruptive
15 behavior, even more opportunity than the general
16 public who attends would be afforded." Do you see
17 that?

18 A I do.

19 Q How do you know that?

20 A How do I know that?

21 Q Yes, how do you know that?

22 A I mean, I had given breaks before to
23 individuals. I've been there to the point to
24 where, you know, I kind of was laxed a little bit,
25 and then when things started getting really out of

1 hand then I had to do what I had to do. But she
2 was afforded -- she was a Commissioner. She was
3 afforded a little extra latitude.

4 Q Okay. Well, but that's not what the
5 statement says. The statement says is you gave her
6 more opportunity to be disruptive than you would a
7 member of the general public.

8 A Correct. I mean, if somebody from
9 the general public would have -- yes, yes. I mean,
10 if they would have been acting up, they would have
11 been probably arrested and removed from the meeting
12 as well.

13 Q You've never actually removed a
14 member of the public from a Trumbull County
15 Commissioners meeting; correct?

16 A Correct.

17 Q Okay. So how would you know how
18 much latitude you would give a member of the public
19 at a Trumbull County Commissioners meeting?

20 A I know it's not a Trumbull County
21 Commissioners meeting, but I did work other
22 meetings in townships.

23 Q Okay. They have different rules of
24 decorum than the Trumbull County Commissioners
25 meetings?

1 A They do. They do. I'm assuming so.
2 I'm assuming they do.

3 Q Okay. Have you ever arrested
4 somebody for disrupting a public meeting at any of
5 the Township's meetings?

6 A No.

7 Q When you had to remove someone from
8 a Township meeting, how do you ever even remove
9 someone from a Township meeting?

10 A I'm sorry. Reiterate.

11 Q Did you ever remove a member of the
12 public from a Township meeting in Warren Township?

13 A No.

14 Q So you never even removed a member
15 of the public from a Township meeting?

16 A Not that I recall.

17 Q Okay. Did you ever remove someone
18 from the City of Warren meetings?

19 A No.

20 Q Have you ever in your life even
21 removed a member of the public from a public
22 meeting?

23 A I don't recall.

24 Q Okay. But that's in the report;
25 correct?

1 A It's in the report that what?
2 Explain yourself. What's in my report?

3 Q Well, I'm just reading your report.
4 It says, "Frenchko was given ample opportunity to
5 stop her disruptive behavior, even more opportunity
6 than the general public who attends would be
7 afforded."

8 A Yes.

9 Q Correct?

10 A Correct.

11 Q Well, what's the basis of --

12 A I kind of sat on my hands a little
13 -- I kind of sat on my hands per se a little too
14 long.

15 Q Okay. But you're comparing her
16 conduct to the members of the general public;
17 correct?

18 A Correct.

19 Q That's what this statement says;
20 correct?

21 A Yes.

22 Q Okay. And you said you gave her
23 more opportunity than you would someone in the
24 general public?

25 A Yeah, because she's a Commissioner.

1 Q Okay. But you've never even removed
2 someone from the general public?

3 A Okay.

4 Q So how would you know how much ample
5 opportunity you would give to a member of the
6 general public in a Trumbull County Commissioners
7 Meeting?

8 A Well, to put it -- to try to
9 explain myself, it would be because she's the
10 Commissioner. I mean, I didn't want to arrest her.

11 Q Then why did you arrest her?

12 A Because she broke the law.

13 Q How do you know she broke the law?
14 I mean, earlier you testified you weren't even
15 familiar with the statute when you arrested her.

16 A Familiar enough.

17 Q You couldn't cite the code number;
18 correct?

19 A I could not.

20 Q And you couldn't cite the context of
21 the code before arresting her, so you didn't even
22 know what the code said before you arrested her?

23 A Correct.

24 Q But now you're testifying that you
25 knew enough about that code to decide to arrest a

1 Commissioner at her own meeting?

2 A For behavior, yes. That's what I
3 was there for to keep the meeting orderly.

4 Q Okay. And you arrested her because
5 the Commissioners were saying she was being
6 disruptive?

7 MR. YOSOWITZ: Objection. Go ahead.

8 THE WITNESS: No, no.

9 BY MR. MILLER-NOVAK:

10 Q Then why did you arrest her?

11 A Because she had stopped the meeting,
12 would not let the meeting go forward.

13 Q No, she was trying to finish what
14 she was saying; correct?

15 A I don't know what she was saying.

16 Q Okay. She was reading a statement
17 that she had prepared; correct?

18 A I don't think she was reading
19 anything.

20 Q At the time of her arrest Paula had
21 just gotten done reading a letter that was written
22 by Sheriff Monroe; correct?

23 A Okay. Yes.

24 Q And that letter was critical of
25 Commissioner Frenchko, was it not?

1 A After the meeting I realized it was.

2 Q Okay. So you didn't hear that the
3 letter actually demanded that Commissioner Frenchko
4 apologize to the Sheriff's Department?

5 A No.

6 Q Okay. So you're unaware that when
7 Commissioner Frenchko was talking she was
8 responding to the criticisms of that letter?

9 A Yeah, I wasn't -- apparently she
10 was, but I wasn't paying attention to that.

11 Q Okay. So you weren't even paying
12 attention to what she was saying when you decided
13 to arrest her?

14 A Correct.

15 Q Are you aware that in previous
16 meetings members of the public have actually
17 danced?

18 A No.

19 Q Are you aware that a member of the
20 public at a previous meeting -- actually, I think
21 it was the spouse of a public employee flicked off
22 Commissioner Frenchko?

23 A I'm not aware of that.

24 Q How would you describe the
25 orderliness of a typical Trumbull County

1 Commissioners meeting?

2 A I don't know. I mean, from being in
3 a meeting from my marine (sic) patrols, pretty
4 boring. Really boring.

5 Q Are you talking about a
6 Commissioners meeting was boring?

7 A Yes.

8 Q That's fair. So you've never
9 witnessed prior arguments in Commissioners
10 meetings?

11 A No.

12 Q Okay. I want to go to the next
13 page. I know you didn't write this, but I still
14 want to ask you some questions about it. Okay?

15 A Okay.

16 Q Thank you. So on Thursday, July
17 7th, 2023, it says, "Detective Wayne Mackey and I
18 were informed of an incident that just occurred in
19 the Commissioners hearing at a meeting." Do you
20 see that?

21 A I see it.

22 Q Did you inform the detectives of
23 what occurred?

24 A I did not.

25 Q Do you know who did?

1 A I do not.

2 Q These look like statements that were
3 made by Paula, which is the Clerk; is that correct?

4 A I would assume so, yes.

5 Q Do you understand that the Clerk is
6 the employee of the Commissioners?

7 A Yes.

8 Q Here it states that "Paula stated
9 that Commissioner Frenchko was filming the meeting
10 with her cellphone on Facebook Live and continued
11 to film her reading the letter." Do you see that?

12 A I see that.

13 Q "At one point Frenchko got up out of
14 her seat at the bench and went to the first row of
15 public seating and continued to film Paula reading
16 the letter." Do you see that?

17 A I do.

18 Q "Frenchko made comments while
19 filming Paula stating, 'Oh, it's hard for you. You
20 shouldn't be the Clerk if you can't have a camera
21 on you.'" Do you see that?

22 A Yes.

23 Q Are you aware that when Commissioner
24 Frenchko said that she was responding to a
25 statement made by Paula to her?

1 A No.

2 Q Okay. So you're not aware that
3 Paula told her she didn't want to be filmed?

4 A Yes, I did hear that. I'm sorry. I
5 did hear that at the meeting.

6 Q Okay. Do you believe that Paula had
7 the right to tell her to stop filming?

8 A I mean, if she felt uncomfortable, I
9 suppose so.

10 Q So you're not aware of whether or
11 not the public has the right to film open
12 government meetings?

13 A Incorrect. I am aware of that.

14 Q So isn't it correct that people are
15 allowed to film public meetings?

16 A Yes.

17 Q Okay. So, in other words, if Paula
18 says, "Stop filming this meeting," it doesn't
19 really matter; correct?

20 A Correct.

21 Q This continues that she became
22 "nervous and stressed out because Frenchko has
23 filmed Paula many times in the past at meetings on
24 Facebook Live and said some 'not so nice things'
25 that the public and her family have seen." Do you

1 see that?

2 A I see that.

3 Q What's the relevance of that?

4 A I have no idea. I can't speak for
5 Paula.

6 Q Okay. "Paula stated that she took a
7 deep breath, and Fuda told her to continue to read
8 the letter," correct?

9 A Yes.

10 Q Do you know whether or not this
11 letter was listed on the agenda that day?

12 A I do not know.

13 Q Okay. Do you know whether or not
14 it's normal for a letter to just be randomly read
15 during a meeting?

16 A Don't know.

17 Q Do you know whether or not
18 Commissioner Fuda could have just read the letter
19 himself?

20 A I have no idea.

21 Q Okay. Do you know whether or not it
22 was necessary to make the Clerk read a letter?

23 A No.

24 Q All right. Is Exhibit 1 here a fair
25 and accurate depiction of your police report?

1 A Yes.

2 Q Okay. You can set that down. I'm
3 going to try to bring up another document. God
4 knows whether or not it will work.

5 Do you see a new document on the screen
6 over there?

7 A Yes.

8 Q It says Trumbull County Sheriff's
9 Office, Sheriff Paul S. Monroe?

10 A Yes.

11 Q And the date is July 5th, 2022?

12 A Yes.

13 Q Okay. I'm going to mark this
14 Exhibit 2.

15 (WHEREUPON, Deposition
16 Exhibit Number 2 was
17 marked for purposes of
18 identification.)

19 Q Do you see me scrolling down?

20 A I do.

21 Q Okay. So it says, "Commissioner: I
22 am writing this letter as a response to
23 Commissioner Frenchko's reading at the June 1st,
24 2022, Commissioners public meeting of a letter
25 claiming to be written by the mother of a

1 previously incarcerated adult inmate." Do you see
2 that?

3 A I do.

4 Q Okay. Have you seen this letter
5 prior to today?

6 A No. Never seen that letter prior to
7 today.

8 Q You've never seen this letter?

9 A No.

10 Q You did not see this letter prior to
11 the July 7th, 2022, Commissioners meeting?

12 A That is correct. I've never seen
13 the letter prior to today.

14 Q Are you aware that this is a letter
15 that Paula Klotz was reading during that meeting?

16 A No.

17 Q Okay then. After you took
18 Commissioner Frenchko into custody and you had her
19 at the station, how long did it take you to decide
20 to actually file a complaint in the Warren
21 Municipal Court?

22 A It was that day. I can't tell you
23 the exact time, but it was that day. I finished up
24 the report and the paperwork, and I do believe
25 Sergeant Ross filed the charges.

1 Q And what investigation did you do
2 into the Commissioners' rules of decorum prior to
3 filing those charges?

4 A I did none.

5 Q What -- how many meetings and prior
6 meetings did you watch and view prior to filing
7 those charges?

8 A None.

9 Q Did you question or investigate
10 Commissioner Fuda at all before filing those
11 charges?

12 A No.

13 Q So you didn't ask Commissioner Fuda
14 about the rules of public participation or
15 Commissioner participation during meetings?

16 A No.

17 Q You didn't question Commissioner
18 Fuda at all about his powers as the president?

19 A No.

20 Q Did you question Commissioner Fuda
21 whether or not he was treating her differently or
22 the same as Commissioner Cantalamessa during the
23 July 7th, 2022, meeting?

24 A No.

25 Q Okay. I'm going to bring up another

1 exhibit. We're going to mark this as Exhibit 3.

2 (WHEREUPON, Deposition
3 Exhibit Number 3 was
4 marked for purposes of
5 identification.)

6 Q And can you see an AT&T page that
7 says AT&T Mobility?

8 A I can see AT&T, but the rest of it's
9 quite small, unreadable. There you go. That's a
10 little better, yes.

11 Q Does that help? Well, that's a
12 little bit too big it looks like. Is that good?

13 A Yeah. I can make it out, yeah.

14 Q Your attorney should have a copy
15 there. I emailed it this morning.

16 MR. MILLER-NOVAK: Andrew, do you have a
17 copy?

18 MR. YOSOWITZ: Yeah. What pages?

19 MR. MILLER-NOVAK: This is the one that
20 says -- I had it labelled Wix Pages 3218. You got
21 it?

22 MR. YOSOWITZ: Yeah.

23 BY MR. MILLER-NOVAK (Continuing):

24 Q Okay. Sergeant Wix, is your
25 cellphone number 330-883-6975?

1 A Yes.

2 Q Okay. I'm going to represent to you
3 that I subpoenaed your phone logs from AT&T for
4 both voice and text message, and this is what they
5 provided me regarding your voice logs. Do you
6 understand that?

7 A Yes.

8 Q Do you have any reason to believe
9 that these are inaccurate?

10 A No.

11 Q Okay. I'm going to scroll down to
12 the day of the arrest, and I got good news and bad
13 news. So I'm going to try to explain how these
14 phone records work a little bit. I'm going to do
15 the best to teach you those things. So the good
16 news is is that this is military time, and I know
17 that you know how to talk military time; correct?

18 A Yeah. Okay.

19 Q You understand military time;
20 correct?

21 A Yes, yes.

22 Q And, typically speaking, for
23 instance, that 1300 hours would be 1:00 p.m.;
24 correct?

25 A Yes, sir.

1 Q Okay. Now, what you're going to see
2 -- I'm going to go to this page, and this would be
3 -- at the top it says 1316 on the item. Do you see
4 that?

5 A Yes.

6 Q Okay. And it says Connection Date.
7 Do you see that, Conn. Date?

8 A Yes.

9 Q And it says July 7th, 2022. Do you
10 see that?

11 A Yes.

12 Q And it says Connection Time, and it
13 says (UTC). Do you see that?

14 A I do.

15 Q Okay. So UTC time is actually
16 Uniform Time Code. Do you understand that?

17 A I do.

18 Q So do you know that Daylight Savings
19 Time is actually four hours ahead of Eastern time?
20 Do you understand that?

21 A Okay.

22 Q So when something says 1300 hours at
23 1:00 p.m., it would actually be four hours earlier.
24 Do you understand that?

25 A Yes.

1 Q So, technically speaking, 1600 hours
2 would be noon in UTC. Do you understand?

3 A Yes.

4 Q Okay. I'm going to go down to item
5 number 1330. Do you see that on the side?

6 A Yes.

7 Q According to this sheet, at 11:43:01
8 UTC time on July 7th, 2022, an originating number
9 of 1-330-609-9037 called 1-330-883-6975. Do you
10 see that?

11 A I do.

12 Q Okay. So earlier you testified that
13 1-330-609-9037 was Sheriff Monroe's phone number;
14 correct?

15 A Correct.

16 Q So it appears that he called you on
17 July 7th, 2022, at 11:43 UTC; correct?

18 A Correct.

19 Q Earlier you testified that he never
20 called you that day.

21 A Okay.

22 Q So do you stand by that testimony
23 after seeing this phone report?

24 A Yes.

25 Q So you're saying that this phone

1 report from AT&T is incorrect?

2 A I'm not.

3 Q Then where is the disconnect?

4 A The disconnect is I don't -- I don't
5 remember that number calling my phone.

6 Q Okay. Well, earlier you didn't
7 testify that you didn't remember. You said he did
8 not call you; correct?

9 A Correct. Correct, yeah, I believe
10 that he did not.

11 That's 11:50. What time would that have
12 been?

13 MR. YOSOWITZ: Just answer his questions.
14 BY MR. MILLER-NOVAK (Continuing):

15 Q So is it your testimony today that
16 you did not talk to Sheriff Monroe that day?

17 A Yeah, I don't recall.

18 Q So you just don't recall?

19 A Correct.

20 Q I'm going to have you go to the next
21 page. I'm going to have you go to item number
22 1344. Do you see that?

23 A Yes.

24 Q Here on July 7th, 2022, according to
25 1344, at 15:32:59 UTC -- which I'm going to

1 represent is 11:32 a.m. Eastern Standard time -- it
2 looks like the number 1-330-883-6975 called
3 1-330-609-9037; correct?

4 A Correct.

5 Q Okay. So according to this phone
6 report, at 11:32 a.m. you dialed Sheriff Monroe's
7 number; correct?

8 A It appears so.

9 Q So you did call him right after
10 arresting Commissioner Frenchko; correct?

11 A That's what it says on the document.
12 I don't recall that.

13 Q And you don't recall him calling you
14 minutes later?

15 A Correct.

16 Q So according to these phone reports,
17 you either called him or he called you
18 approximately three times on July 7th, 2022;
19 correct?

20 A I don't know. I've only seen the
21 two so far. The 1344 and whatever the other one
22 was number.

23 Q Okay. Well, there's another one at
24 15:33:10 where he dialed your number. Do you see
25 that? It's on 1347.

1 A 1347. Okay.

2 Q It appears that 1-330-609-9037
3 dialed 1-330-883-6975; correct?

4 A Okay. Yes.

5 Q Okay. So he also dialed your number
6 once that day; correct?

7 A Correct.

8 Q Okay. So far we've seen in these
9 phone reports that on July 7th, 2022, there was
10 three times where your phones called one another;
11 correct?

12 A Yes.

13 Q Who is Nicholas Timko?

14 A That's my Lieutenant.

15 Q Did you call him that day?

16 A I don't recall. There's a good
17 possibility. I talk to him on a daily basis.

18 Q Did you call him during the meeting
19 that day?

20 A I don't recall that.

21 Q So you don't remember having any
22 discussion with Nicholas Timko the day that you
23 arrested Commissioner Frenchko?

24 A Correct.

25 Q If I were to tell you that you

1 called him at 11:11 a.m. on July 7th, 2022, would
2 you deny that?

3 A No. I wouldn't deny that, but I
4 don't recall. I don't recall calling him.

5 Q That would be approximately nine
6 minutes before you arrested Commissioner Frenchko;
7 correct?

8 A Yes.

9 Q So you don't remember whether or not
10 you called Deputy Timko right before arresting
11 Commissioner Frenchko?

12 A Correct.

13 Q Who is William Kata?

14 A He's a deputy on Road Patrol.

15 Q Was he a deputy as of July 7th,
16 2022?

17 A Yes.

18 Q Is he still a deputy?

19 A Yes.

20 Q Do you remember calling him that
21 morning?

22 A No.

23 Q Do you remember calling him after
24 arresting Commissioner Frenchko?

25 A No, sir.

1 Q Do you remember whether or not you
2 also called Sheriff Monroe later at 4:39 p.m. that
3 day?

4 A 1348. Is that the one he's
5 referring to? I think that's that All Text similar
6 to Supervisor Group Chat. On 1348 there's like
7 multiple numbers. There's a number underneath that
8 one that's marked in parentheses an F on 1348.
9 That number -- this number right here I think that
10 might be our All Text. We're in a group text
11 message. So when a supervisor sends out a text
12 message, it goes to all supervisors and all
13 administration.

14 Q Okay. But this is not the text
15 report. This is the phone report. This is voice.

16 A Okay.

17 Q Okay. All right. Look at 15:33:10
18 on 1347. Do you see that?

19 A Not yet. 1348, yes.

20 Q Okay. 1347 is above that. There's
21 no F there, is there?

22 A Underneath, no.

23 Q And on 1346 the originating number
24 is 1-330-609-9037. Looks like that's the
25 originating number, and the terminating number is

1 1-330-883-6975; correct?

2 A Correct.

3 Q And there's no F there; correct?

4 A Correct.

5 Q All right. So it looks like Sheriff
6 Monroe called you at 15:33:09 UTC time; correct?

7 A Yeah. What was the duration of the
8 time? .02 and 0:00. So I obviously didn't talk to
9 him.

10 Q Okay. But he called you; correct?

11 A I'm assuming so. That's what the
12 paper says.

13 Q So the group text message that
14 you're talking about where the originating number
15 is 1-317-664-9900?

16 A I'm assuming so. I'm not familiar
17 with the number.

18 Q Okay. But there are group text
19 messages that go out?

20 A Correct.

21 Q Do you know if you received any
22 group text messages that day?

23 A No, I don't recall.

24 Q I have an item 1387. Do you see
25 that?

1 A Not yet. Hold on. 1387, yes.

2 Q It looks like on July 7, 2022, at
3 20:39:12 1-330-609-9037 called 1-330-883-6975. Do
4 you see that?

5 A I see that.

6 Q So do you recall Sheriff Monroe
7 calling you at 6:39 (sic) p.m. on July 7th, 2022?

8 A No, I do not.

9 Q So earlier when you said that he
10 didn't call you at all, you were incorrect then;
11 correct?

12 A Looks that way, yeah. I don't
13 remember any of the phone calls.

14 Q So you wouldn't remember the
15 contents or the subject matter of any of those
16 phone calls?

17 A That's correct.

18 Q So you don't recall whether or not
19 you discussed the arrest of Commissioner Frenchko
20 with Sheriff Monroe that day?

21 A Correct.

22 Q Does he call you every day?

23 A He does not.

24 Q How often does Sheriff Monroe call
25 you?

1 A It's sporadic. It could be once a
2 week. It could be once every two weeks, a few
3 times a day. Just depending on -- he's my boss, so
4 I do have contact with my boss.

5 Q Under oath today are you going to
6 testify that the Sheriff did not call you about
7 arresting a Commissioner of the County on July 7th,
8 2022?

9 A Under oath, yes.

10 Q But earlier you're saying you didn't
11 even remember whether or not he did call you?

12 A Correct.

13 Q You don't remember what you talked
14 about with him?

15 A That's correct. I know for a fact
16 it wasn't to arrest Frenchko.

17 Q Well, before you're saying he didn't
18 call you after to talk about it?

19 A Not that I recall, no.

20 Q Not that you recall.

21 (WHEREUPON, Deposition
22 Exhibit Number 4 was
23 marked for purposes of
24 identification.)

25 Q All right. I'm going to bring up

1 what I'm going to mark as Exhibit 4, which has the
2 heading Wix Pages 3878 to 3879 that I sent to your
3 attorney earlier today. Do you see that?

4 A I do. You have to blow it up,
5 though, if you don't mind.

6 Q Oh, sure. Is that better?

7 A Yes. Yeah, that's fine.

8 Q Okay. Well, hopefully your attorney
9 can put it in front of you, too.

10 A Yeah, he's got it in front of me.
11 It's a little easier on the screen. It's a little
12 brighter. That's all right.

13 Q I'm going to represent to you that
14 these are the phone reports of your text messages
15 the day of the arrest. Do you have any reason to
16 disagree with that statement?

17 A No.

18 Q Who is John Hughes?

19 A He's a deputy.

20 Q Do you remember texting him at 7:06
21 a.m. on July 7, 2022?

22 A No.

23 Q Do you know if you were working and
24 on the clock as of 7:06 a.m. that day?

25 A Yes.

1 Q You would have been?

2 A I would have been, yes.

3 Q When did your shift start that day?

4 A At 7:00 o'clock in the morning, yes.

5 Q Whose number is 330-609-3220?

6 A I would have to look that up. I
7 don't know.

8 Q Do you mind doing that?

9 A No, that's fine.

10 Q Thank you.

11 A What was the number? 609?

12 MR. YOSOWITZ: 609-3220.

13 THE WITNESS: I have no results on my
14 phone. I don't know whose that number is.

15 BY MR. MILLER-NOVAK (Continuing):

16 Q Okay. Who is Jonathan Ball?

17 A He was a deputy at the time for the
18 Sheriff's office. He no longer works with the
19 Sheriff's office.

20 Q Do you remember calling him the
21 morning of July 7, 2022?

22 A I do not.

23 Q Are you aware that a special
24 prosecutor was appointed regarding this case?

25 A Yes, I was aware.

1 Q Are you aware that that special
2 prosecutor voluntarily dismissed the charges
3 against Commissioner Frenchko?

4 A I did find out.

5 Q Do you know why that happened?

6 A I have no idea. I never met him.

7 Q So you never talked to the special
8 prosecutor at all?

9 A That's correct.

10 Q He never took a statement from you?

11 A No.

12 Q Are you aware that the Defendant
13 requested certain phone records from the County?

14 A Yes.

15 Q Are you aware that they requested
16 text messages from the County?

17 A Yes.

18 Q Were you told to preserve those text
19 messages?

20 A At the time, yes.

21 Q Do you know if Deputy Ross was told
22 to preserve those text messages?

23 A I do believe he was.

24 Q Did you do that?

25 A I did.

1 Q Do you know where they are now?

2 A I do not.

3 Q Are you aware whether or not at any
4 time after the arrest that either Commissioner
5 Frenchko or her counsel had threatened litigation
6 against the County?

7 A No.

8 Q Are you aware at any time that
9 either Commissioner Frenchko or counsel claimed
10 that the arrest of her was an unconstitutional
11 arrest?

12 A No.

13 Q Did you see any news reporting after
14 the arrest?

15 A Yes.

16 (WHEREUPON, Deposition
17 Exhibit Number 5 was
18 marked for purposes of
19 identification.)

20 Q Okay. I'm going to bring up what
21 I'll mark as Exhibit 5. These are both yours and
22 Robert Ross's Responses to Plaintiff's Requests for
23 Admission, First and Second Set of Interrogatories
24 and Request for Production of Documents. Do you
25 see that?

1 A Yes.

2 Q Did you answer these questions along
3 with your counsel?

4 A Yes.

5 Q Okay. Now I'm just going to have
6 you look through them generally. And, actually,
7 I'm going to have you go to the second page. And
8 on Interrogatory number 3 it says, "Provide the
9 make and model of every cellphone as well as the
10 operating system that the following officials used
11 between May 1st, 2022, and the present, regardless
12 of whether the phone was provided by the County or
13 was a personal device." Do you see that?

14 A Yes.

15 Q Okay. So under your answer it says
16 you don't know the make and model of everybody
17 else, but it says Harold Wix, it says iPhone 12.
18 Do you see that?

19 A That's correct.

20 Q Do you know if you had an iPhone 12
21 or an iPhone 11 at the time?

22 A I'm assuming it was -- now that you
23 bring it up, I don't know. It might have been 12.
24 It might have been a 12. It might have been an 11.
25 It says here it's a 12, so I'm going to safely

1 assume it's a 12.

2 Q Well, the phone report says it's an
3 Apple iPhone 11. Do you see those?

4 A Okay. Got you.

5 Q I mean --

6 A That means it's quite a few years
7 old.

8 Q I mean, I'll represent to you I
9 don't know the exact model of my phone as it sits
10 in my pocket. I'm just asking, do you have any
11 reason to disagree with AT&T that it may, in fact,
12 have been an iPhone 11?

13 A No.

14 Q Okay. You don't camp out at the
15 iPhone store every time they have a new phone come
16 out?

17 A No, no. They're usually paid off
18 awhile after till I start having problems with
19 them.

20 Q Who is Deputy Lou Padula? Do you
21 know him?

22 A Yes, he's a deputy.

23 Q Is he currently with the Sheriff's
24 Department?

25 A Yes.

1 Q Okay. What are his responsibilities?
2

3 A He's a school resource officer
4 during school time, and then I do believe he works
5 the Civil Division when there's no school.

6 Q What about Nick Backus? Who is he?

7 A The same. He's on SRO. He's a
8 civil deputy.

9 Q So when you say civil deputy, what
10 do you mean by that?

11 A He's in a different division. He
12 works the courts.

13 Q And then Padula when he's working
14 not in the school, what does Padula do?

15 A He works the courts.

16 Q So both Backus and Padula work the
17 courts?

18 A Yes.

19 Q I want to go to Request for
20 Production number 8. It says to "Produce any and
21 all text messages sent and received by Harold Wix
22 on July 7, 2022, between 10:00 a.m. and 2:00 p.m."
23 Do you see that?

24 A I do.

25 Q It says, "Defendants do not have any

1 documents responsive to this request. His text
2 messages do not go back that far." Do you see
3 that?

4 A I do.

5 Q What does that mean?

6 A When you requested 'em I didn't have
7 them.

8 Q Why not?

9 A I'm assuming they fell off. I get a
10 lot of messages. I don't know if they rewrite,
11 overwrite, but I know they weren't deleted.

12 Q Your testimony today is that your
13 phone automatically deletes them?

14 A That I have no idea. I can't say
15 that. I just know they weren't there.

16 Q But you didn't take pictures of any
17 text messages that day?

18 A I did not.

19 Q But you were aware that there was a
20 preservation letter?

21 A At the time?

22 Q Yeah. After July 7th, 2022, were
23 you aware that there was request for documents and
24 preservation of text messages?

25 A Not that I recall, no.

1 Q Okay. Earlier you said that you
2 were aware or someone told you that your text
3 messages were requested to be preserved.

4 A Okay.

5 Q Well, are you changing that now, or
6 is it still that you were aware that there was a
7 request for preservation?

8 A I don't know about any request. I
9 don't know when I got the request. So, yeah, I
10 guess I'll change it.

11 Q If you're text messaging another
12 deputy about County business, do you not believe
13 that you have the duty to maintain those text
14 messages?

15 MR. YOSOWITZ: Objection. Go ahead.

16 THE WITNESS: Yeah.

17 BY MR. MILLER-NOVAK (Continuing):

18 Q You believe you do?

19 A I do.

20 Q What steps do you take to maintain
21 those text messages?

22 A I don't delete 'em.

23 Q Okay. But do you ensure that
24 they're maintained and not deleted by your phone?

25 A No, I don't do anything. I know I

1 just don't delete 'em.

2 Q Are you aware that iPhone 11
3 automatically saves text messages?

4 A No.

5 Q Are you aware that the default for
6 saving text messages is forever?

7 A No.

8 Q Are you aware that you have to
9 manually change it to 30 days or one year?

10 A I am not aware.

11 Q Are you aware that there's only
12 three options for the preservation of text messages
13 on an iPhone?

14 A No.

15 Q Are you aware that those three
16 options are either forever, 30 days or one year?

17 A No.

18 MR. MILLER-NOVAK: Okay. I'd like to
19 take a break for another ten minutes.

20 (Whereupon, a recess was taken.)

21 Q All right. Sergeant Wix, I have a
22 few more questions.

23 After you arrested Commissioner Frenchko
24 and you take her back to the -- hold on one second.
25 Can we go off the record?

1 (Whereupon, a brief discussion was held
2 off the record.)

3 Q So after you arrest Commissioner
4 Frenchko and she's at the station, did you watch
5 the video or any video or any recording of the
6 meeting while you were filling out the report?

7 A No.

8 Q So you filled out the report
9 completely from memory?

10 A Correct.

11 Q Did you talk to any witnesses before
12 you filled out the report?

13 A I did not.

14 Q Did you talk to Paula Klotz before
15 filling out the report?

16 A No.

17 Q Okay. So you arrested her. You
18 took her back to the station, and you filled out
19 the report without any further investigation
20 whatsoever?

21 A Correct.

22 MR. MILLER-NOVAK: I have no further
23 questions.

24 MS. SUDHOFF: I have a couple.
25

1 CROSS EXAMINATION

2 BY MS. SUDHOFF:

3 Q So, Sergeant Wix, prior to the start
4 of the July 7th, 2022, Commissioners meeting did
5 you know you were going to arrest Miss Frenchko?

6 A No.

7 Q Who made the decision to arrest Miss
8 Frenchko?

9 A I did.

10 Q Were you ordered by the Sheriff to
11 arrest Miss Frenchko?

12 A No.

13 Q Were you ordered by anyone in the
14 Sheriff's Office to arrest Miss Frenchko?

15 A No.

16 Q Have you ever been ordered to arrest
17 someone at any time during your career with
18 Trumbull County?

19 A No.

20 Q Did you form a plan to arrest Miss
21 Frenchko with former Commissioner Fuda?

22 A No.

23 Q Did you form a plan to arrest Miss
24 Frenchko with current Commissioner Cantalamessa?

25 A No.

1 Q Did you form a plan to arrest Miss
2 Frenchko with former Clerk Paula Vivoda-Klotz?

3 A No.

4 Q Did you form a plan to arrest Miss
5 Frenchko with any Commissioner employee?

6 A No.

7 Q Did you discuss potentially
8 arresting Miss Frenchko at any point prior to her
9 arrest?

10 A No.

11 Q Do you recall about how long Miss
12 Frenchko was in the Trumbull County Jail?

13 A I do not. It wasn't very long.

14 Q It wasn't for, say, overnight?

15 A Correct.

16 MS. SUDHOFF: All right. I also have no
17 further questions.

18 MR. MILLER-NOVAK: Andrew, do you have
19 any questions? Otherwise, I might have a couple
20 follow-ups.

21 MR. YOSOWITZ: I don't have any
22 questions.

23

24

25

1 RECROSS EXAMINATION

2 BY MR. MILLER-NOVAK:

3 Q Sergeant Wix, in your report you
4 refer numerous times to the fact that Commissioner
5 Fuda was stating that Commissioner Frenchko was
6 being, quote, unquote, disruptive; correct?

7	A	For point of order.
---	---	---------------------

8 Q It's a point of order. So the
9 report never says the word "disruptive"?

10	A	It does.
----	---	----------

11 Q Because Commissioner Fuda kept
12 saying that Commissioner Frenchko was being
13 disruptive; correct?

14	A	Correct.
----	---	----------

15 Q And that was what prompted you to
16 understand or believe that she was being
17 disruptive; correct?

18	A	Correct.
----	---	----------

19 MR. MILLER-NOVAK: No further questions.

20 MR. YOSOWITZ: Okay. He'll read.

21 THE COURT REPORTER: Okay. Thank you.

22 Did you want this transcribed, sir?

23 MR. YOSOWITZ: Yes.

24 MR. MILLER-NOVAK: Susan, Sergeant Wix
25 would like it transcribed, and he wants to pay for

1 the original, and I'll pay for a copy.

2 I would like it transcribed, Susan.

3 THE COURT REPORTER: Thank you.

4 MR. YOSOWITZ: I'll take a pdf copy or
5 e-tran, whatever.

6 THE COURT REPORTER: Ms. Sudhoff?

7 MS. SUDHOFF: I'll also take a copy.

8 MR. DOWNEY: We'd like a condensed copy.

9 (The taking of the deposition concluded
10 at 11:46 o'clock a.m.)
11
12
13
14
15
16
17
18
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21
22
23
24
25

1 I, HAROLD A. WIX, do hereby certify that
2 the foregoing is a true and accurate transcript of
3 my testimony.

4

5

HAROLD A. WIX

6

7

STATE OF OHIO)
) SS:
8 COUNTY OF _____)

9

Sworn to before me and subscribed in my
10 presence by the same HAROLD A. WIX this ____ day
11 of _____, 2023.

12

13

NOTARY PUBLIC

14

My Commission expires: _____

15

16

17

18

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21

22

23

24

25

1 PLEASE USE THIS ERRATA SHEET TO MAKE ANY
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1 STATE OF OHIO)
2 COUNTY OF MIAMI) SS: C-E-R-T-I-F-I-C-A-T-E

3 I, SUSAN L. BICKERT, a Court Reporter and
4 Notary Public in and for the State of Ohio at
5 large, duly commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named
7 HAROLD A. WIX was by me first sworn to testify to
8 the truth, the whole truth, and nothing but the
9 truth; that his testimony was reduced to writing by
10 me stenographically in the presence of the witness
11 and thereafter reduced to typewriting; that the
12 signature of the witness to the deposition was
13 expressly not waived, and was taken at the time and
14 place hereinafter set forth, pursuant to Notice and
15 Agreement of Counsel.

16 I FURTHER CERTIFY that I am not a rela-
17 tive nor attorney for either party herein, nor in
18 any manner interested in the event of this action.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand and seal of office August 26, 2023.

21

22 /s/ Susan L. Bickert

23 SUSAN L. BICKERT
24 Notary Public, State of Ohio
25 My Commission expires: 8-23-28

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